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REDACTED – FOR PUBLIC INSPECTION

Via ECFS

June 29, 2017

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *In the Matter of ETC Annual Reports and Certifications*; WC Docket No. 14-58 --
CenturyLink's 2017 FCC Form 481 Submissions (for AL, AR, AZ, CO, FL, GA,
IA, ID, IL, IN, KS, LA, MI, MN, MO, MS, MT)

Dear Ms. Dortch:

In connection with the FCC's November 18, 2011 *USF/ICC Transformation Order* in WC Docket Nos. 10-90, *et al.*, in accord with 47 C.F.R. §§ 54.313 and 54.422, and via FCC Form 481 – Carrier Annual Reporting Data Collection Form, CenturyLink hereby submits in WC Docket No. 14-58 the requisite information for its 2017 annual reporting requirement as a recipient of high-cost and low-income universal service support in 2016.¹

Included with this submission is (1) detailed information on CenturyLink's broadband pricing including service speeds by exchange; (2) information related to voice service outages; (3) information regarding CenturyLink's engagements with tribal governments including customer-

¹ *In the Matter of Connect America Fund, et al.*, WC Docket Nos. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*) (subsequent regulatory history omitted), *aff'd sub nom.*, *In re: FCC 11-161*, Nos. 11-9900, *et al.*, 753 F.3d 1015 (10th Cir. 2014), *petitions for rehearing en banc denied*, Orders, Aug. 27, 2014, *cert. denied*, 135 S. Ct. 2072, May 4, 2015 (Nos. 14-610, *et al.*); 47 C.F.R. §§ 54.313, 54.422. *See also In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (rel. Feb. 6, 2012); *In the Matter of Connect America Fund; ETC Annual Reports and Certifications; Developing a Unified Intercarrier Compensation Regime*, WC Docket Nos. 10-90, 14-58, CC Docket No. 01-92, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3167-68 ¶¶ 218-20 (rel. Mar. 30, 2016).

specific information and information regarding CenturyLink's past, present and future network deployment activities in tribal land areas; and (4) information regarding the amount of Connect America Fund (CAF) Phase II support that CenturyLink used for capital expenditures in each state in 2016 in furtherance of its broadband deployment commitments under the Phase II program. CenturyLink views certain information associated with the pricing of its broadband services, specifically the download and upload speeds in specific exchanges, as confidential. Additionally, CenturyLink views information regarding voice service outages, information regarding its network deployment activities and specific customers in tribal areas, and information regarding its capital expenditures to be confidential. Thus, CenturyLink is submitting these portions of its filing to the Commission as confidential information pursuant to 47 C.F.R. §§ 0.457(d), 0.459.² Each page of the non-redacted version of the submission (that includes confidential information) has been marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION**". CenturyLink requests that the non-redacted version of its submission be withheld from public inspection.

The confidential information included in these documents is competitively sensitive information and thus should not be available for public inspection. Such information would not ordinarily be made available to the public. Release of the confidential information in the submission would have a substantial negative competitive impact on CenturyLink. Accordingly, the non-redacted information in question is appropriate for non-disclosure under sections 0.457(d) and 0.459. Pursuant to 47 C.F.R. §§ 0.457(d), 0.459(b), CenturyLink provides justification for the confidential treatment of this information in the Appendix to this letter. Additionally, CenturyLink notes that under 47 C.F.R. § 4.2, reports with this kind of outage-related information that are submitted to the FCC are "presumed to be confidential".

For the non-redacted version of the submission, CenturyLink is providing to the Office of the Secretary an original hard copy of the cover letter and one Compact Disc (CD), along with an extra copy of the cover letter to be stamped and returned to the courier. In addition, CenturyLink is providing two hard copies of the non-redacted cover letter and two copies of the CD to Alexander Minard of the Wireline Competition Bureau. Because it was not feasible to separate out the confidential information, *see* 47 C.F.R. § 0.459(a), without destroying the integrated nature of the information presented in this submission, CenturyLink is also filing today under separate cover, via the Commission's Electronic Comment Filing System (ECFS), a redacted version of its submission (that includes the portions of its submission with no confidential information and the portions of its submission with confidential information that have been redacted). Each page of the redacted version of the submission, where confidential information has been omitted (mirroring the corresponding page of the non-redacted version with the confidential information), is marked "**REDACTED – FOR PUBLIC INSPECTION**".

² 47 C.F.R. §§ 0.457(d) (2017), 0.459 (2011).

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This cover letter includes no confidential information and the text is the same in both the non-redacted and redacted versions except for the confidentiality markings and the annotation on the initial page noting the manner of submission.

Separately, CenturyLink also previously transmitted the content of this submission (including the confidential information) to the Universal Service Administrative Company via its online FCC Form 481.

Please contact me via the above contact information or Jeff Lanning in CenturyLink's Federal Regulatory Affairs office (202-429-3113) if you have any questions.

Sincerely,

/s/ Tiffany West Smink

Enclosures

cc: Alexander Minard, Wireline Competition Bureau (via courier) (two hard copies of non-redacted cover letter and two copies of CD)

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APPENDIX

Confidentiality Justification

CenturyLink requests confidential treatment of certain information enclosed with its 2017 annual reporting requirements as a high-cost recipient in 2016 for submission in WC Docket No. 14-58. This information includes the download and upload speeds of CenturyLink's broadband service in specific exchanges, voice service outages, company network deployment activities in tribal land areas, customer-specific information, and capital expenditure information. All of this information is considered competitively sensitive and thus its public disclosure would have a negative competitive impact on CenturyLink.³ Such information would not ordinarily be made available to the public, and should be afforded confidential treatment under both 47 C.F.R. §§ 0.457(d) and 0.459. In addition, CenturyLink notes that under 47 C.F.R. § 4.2, reports with this kind of outage-related information that are submitted to the FCC are "presumed to be confidential".

47 C.F.R. § 0.457 (2017)

Specific information in the submission regarding the speeds of CenturyLink's broadband service in specific exchanges, voice service outages, network deployment activities in tribal land areas, customer-specific information, and capital expenditure information is considered confidential and proprietary to CenturyLink as "commercial or financial information" under section 0.457(d). Disclosure of such information to the public would risk revealing company-sensitive proprietary information and have a harmful competitive effect on CenturyLink's ongoing business enterprise and its operations. Therefore, in the normal course of Commission practice this information should be considered "Records not routinely available for public inspection."

47 C.F.R. § 0.459 (2011)

Specific information related to the speeds of CenturyLink's broadband service in specific exchanges, voice service outages, network deployment activities in tribal land areas, customer-

³ Previously, the Montana Public Service Commission partially denied CenturyLink's motion for an order protecting certain portions of earlier CenturyLink Form 481 submissions to be filed in that state from public disclosure. Accordingly, CenturyLink is not seeking confidential treatment for the broadband upload and download speeds in specific exchanges in Montana on its 2017 Form 481s for CenturyTel of Montana, Inc. d/b/a CenturyLink and for Qwest Corporation (Montana) d/b/a CenturyLink QC, its two incumbent LECs operating in Montana. CenturyLink is, however, requesting confidential treatment of its service outage reporting information and CAF Phase II capital expenditure amount in Montana (for Qwest Corporation (Montana) d/b/a CenturyLink QC) consistent with its request for confidential treatment here.

specific information and capital expenditure information is also subject to protection under 47 C.F.R. § 0.459(b), as demonstrated below.

Information for which confidential treatment is sought

CenturyLink requests that the specific information regarding CenturyLink's broadband service speeds in specific exchanges, voice service outages, network deployment activities in tribal land areas, customer-specific information and capital expenditure information be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. This information is competitively sensitive data that CenturyLink maintains as confidential and does not normally make available to the public. Release of the information would have a substantial negative competitive impact on CenturyLink. The non-redacted version of the cover correspondence and each page of the non-redacted version of the submission (that includes confidential information) has been marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION**".

Commission proceeding in which the information was submitted

The information is being submitted in connection with CenturyLink's Submission in Response to 47 C.F.R. §§ 54.313 and 54.422, as filed in WC Docket No. 14-58.

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The competitive information designated as confidential in the submission is detailed information on CenturyLink's broadband service speeds in specific exchanges, voice service outages, network deployment activities in tribal land areas, customer-specific information and capital expenditure information. All of the information is commercial information as it is information regarding CenturyLink's business activities. Additionally, the capital expenditure information is also financial information.

Degree to which the information concerns a service that is subject to competition; and manner in which disclosure of the information could result in substantial competitive harm

This type of commercial and financial information would generally not be subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that the release of this kind of information likely would produce competitive harm. CenturyLink confirms that release of the information designated as confidential in its submission would cause it substantial competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding the operation of CenturyLink's business.

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Measures taken by CenturyLink to prevent unauthorized disclosure; and availability of the information to the public and extent of any previous disclosure of the information to third parties

CenturyLink has treated and treats the non-public information included in its submission (in non-redacted form) as confidential and has protected it from public disclosure to parties outside the company. CenturyLink has not made the voice outage information provided here available to the public. Nor has CenturyLink made the specific information regarding CenturyLink's broadband service speeds in specific exchanges in this comprehensive manner available to the public. CenturyLink has not made the confidential information discussed or otherwise provided during or in conjunction with its tribal engagement activities available to the public. At most, the latter information has only been shared with the specific personnel representing tribal governments with whom the specific tribal engagements occurred. CenturyLink has not made the state-by-state CAF Phase II capital expenditure information available to the public. This confidential financial information in conjunction with the broadband deployment location information that is also being provided in this submission could afford competitors harmful insights into CenturyLink's incremental broadband deployment costs per unit.

Justification of the period during which CenturyLink asserts the material should not be available for public disclosure

CenturyLink cannot determine at this time any date on which this information should not be considered confidential or would become stale for purposes of the current matters, except that the information would be handled in conformity with general CenturyLink records retention policies, absent any continuing legal hold on the data.

Other information that CenturyLink believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission and court rulings, the information in question should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question satisfies this test.